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09/598,731 06/21/00 WEIDMAN

R 13368

EXAMINER

MM91/1004

PAUL J ESATTO JR  
SCULLY SCOTT MURPHY & PRESSER  
400 GARDEN CITY PLAZA  
GARDEN CITY NY 11530

LE.D

ART UNIT

PAPER NUMBER

2834

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10/04/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/598,731

Applicant(s)

Weidman et al.

Examiner

Dang D Le

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 22-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7-10,16,17 and 20 is/are rejected.
- 7) ☒ Claim(s) 3,6,11-15,18,19 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of group I, claims 1-21 in Paper No. 5 is acknowledged. The traversal is on the ground(s) that the inventions are "not independent and distinct", "the patents issuing on divisional applications can be vulnerable to legal challenges alleging double patenting", and "the classification is a poor basis for requiring restriction because classifications and definitions change over time." This is not found persuasive because the inventions are distinct as shown in previous Office Action although they are not independent. Moreover, the search and examination required for one group are not required for the other group. In addition, although the classification may be a poor basis for requiring restriction, the classifications and definitions for class 310, subclass 61 and class 29, subclass 598 have not been changed. Regarding double patenting issue, the examiner has never used a patent issuing on a parent application as a reference against a divisional application because of 35 U.S.C. 121.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 22-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected group II, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 5.

### ***Claim Objections***

3. Claims 1 and 2 are objected to because of the following informalities:
- Claim 1, line 1, replace “,” with -- : --.
  - Claim 1, line 2, replace “.” with -- ; --.
  - Claim 2, line 5, replace “the wall” with – the first wall --. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 9 and 20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Endress et al.

Regarding claim 1, Endress et al. show a rotating machine (Figure 1-3) comprising:

- A rotating shaft (11);
- A plurality of conductive rotor bars (35) spaced from the rotating shaft and fixed thereto through at least one intermediate member (10), at least one of the plurality of conductive rotor bars having at least one first internal conduit (33); and
- Circulation means (15) for establishing a coolant circulation through the first internal conduit.

Regarding claim 9, it is noted that Endress et al. also show the first internal conduit being cylindrical (Figure 6) and located at an area of increased cross-section (Figure 2) of each conductive rotor bar having the at least one first internal conduit.

Regarding claim 20, it is noted that Endress et al. also show the at least one intermediate member (10) comprising a plurality of parallel stacked laminates, each laminate having a central bore for acceptance of the rotating shaft (11) therein and a slot (Figures 2, 6 and 8) corresponding to each of the plurality of conductive rotor bars for acceptance of each of the plurality of conductive rotor bars therein.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endress et al. in view of Butterfield et al.

Regarding claim 2, Endress et al. show all of the limitations of the claimed invention except for the rotating shaft having a first wall defining a second internal conduit extending from an inlet end to an outlet end thereof, the rotating shaft further having first and second coolant holes in the wall and communicating with the second internal conduit, wherein the coolant is circulated through the first internal conduit from the second internal conduit by way of the first and second coolant holes.

Butterfield et al. show the rotating shaft (11) having a first wall defining a second internal conduit extending from an inlet end (left side, inner, Figure 1) to an outlet end (left side, outer, Figure 1) thereof, the rotating shaft further having first and second coolant holes (not shown at right side, 23) in the wall and communicating with the second internal conduit, wherein the coolant is circulated through the first internal conduit (21) from the second internal conduit (18) by way of the first and second coolant holes for the purpose of improving heat transfer.

Since Endress et al. and Butterfield et al. are all from the same field of endeavor, the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use the rotating shaft having a first wall defining a second internal conduit extending from an inlet end to an outlet end thereof, the rotating shaft further having first and second coolant holes in the wall and communicating with the second internal conduit, wherein the coolant is circulated through the first internal conduit from the second internal conduit by way of the first and second coolant holes as taught by Butterfield et al. for the purpose discussed above.

Regarding claim 16, it is noted that Butterfield et al. also show a circulation conduit (Figure 2) connecting the inlet end of the rotating shaft to the outlet end of the rotating shaft; and Endress et al. also show a pump (15) disposed in a fluid path of the circulation conduit for establishing a coolant flow into the inlet end, through the first and

second internal conduits for each conductive rotor bar having the at least one first internal conduit, and out the outlet end.

Regarding claim 17, it is noted that Endress et al. also show a heat exchanger (17) disposed in the fluid path of the circulation conduit for removing heat from the coolant flowing therein.

8. Claims 4, 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endress et al. in view of Newhouse.

Regarding claim 4, Endress et al. shows all of the limitations of the claimed invention except for each of the plurality of conductive rotor bars having the at least one second internal conduit.

Newhouse shows each of the plurality of conductive rotor poles having the at least one second internal conduit (44, Figure 3) for the purpose of increasing heat transfer.

Since Endress et al. and Newhouse are all from the same field of endeavor, the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to increase in each of the plurality of conductive rotor bars with the at least one second internal conduit as taught by Newhouse for the purpose discussed above.

Regarding claim 5, it is noted that Newhouse also shows the at least one first internal conduit comprises two first internal conduits (44, Figure 3), and Endress et al.

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also show the conduits extending from the first to second end of the conductive rotor bars.

Regarding claim 10, it is noted that Newhouse also shows each of the two first internal conduits (44) being cylindrical, and Endress et al. also show at least one of which is located at an area of increased cross-section of each conductive rotor bar (Figure 2) having the two first internal conduits.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Endress et al. In view of Rank et al.

Regarding claim 7, Endress et al. show all of the limitations of the claimed invention including the means for sealingly fixing the first and second ends of each conductive rotor bar (35) having the at least one first internal conduit (33) comprising a brazed joint (die casting) at the juncture between each of the first and second ends (left and right) of each conductive rotor bar having the at least one first internal conduit and their respective end plate (37). Endress et al. do not show the plurality of conductive rotor bars and first and second end plates being fabricated from aluminum

Rank et al. show the plurality of conductive rotor bars (48) and first and second end plates (50, 52) being fabricated from aluminum for the purpose of making a squirrel cage rotor.

Since Endress et al. and Rank et al. are all from the same field of endeavor, the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the plurality of conductive rotor bars and first and second end plates of aluminum as taught by Rank et al. for the purpose discussed above.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Endress et al. in view of Rank et al. as applied to claim 7 above, and further in view of Belt et al.

Regarding claim 8, the rotating machine of Endress et al. modified by Rank et al. includes all of the limitations of the claimed invention except for the brazed joint comprising a salts brazed joint.

Belt et al. show the brazed joint comprising a salts brazed joint for the purpose of improving the flow behavior of the solder.

Since Endress et al., Rank et al., and Belt et al. are all from the same field of endeavor, the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to make the brazed joint with a salts brazed joint as taught by Belt et al. for the purpose discussed above.

***Allowable Subject Matter***

11. Claims 3, 6, 11-15, 18, 19 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter: the record of prior art does not show a rotating machine with each of the plurality of conductive rotor bars having a first and second end, the at least one first internal conduit extending from the first to second end; the rotating machine further comprising:

- A first end plate having a first bore in which the rotating shaft is sealingly fixed in proximity to the first coolant hole, the first end plate further having means for sealingly fixing the first end of each conductive rotor bar having the at least one first internal conduit thereto, the first end plate further having a third internal conduit for each of the plurality of conductive rotor bars having the at least one first internal conduit for providing communication between the first coolant hole and the first end of the first internal conduit; and
- A second end plate having a second bore in which the rotating shaft is sealingly fixed in proximity to the second cooling hole, the second end plate further having means for sealingly fixing the second end of each conductive rotor bar having the at least one first internal conduit thereto, the second end plate further having a fourth internal conduit for each of the plurality of conductive rotor bars having the at least one first internal conduit for providing communication between the second coolant hole and the second end of the first internal conduit;

- Wherein the circulation of coolant is established through the first, second, third, and fourth internal conduits for each conductive rotor bar having the at least one second internal conduit.

Claims 6, 11-15, 18, 19 and 21 are dependent claims.

***Information on How to Contact USPTO***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (703) 305-0156. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

DDL  
September 28, 2001

DL

Dang D. Le